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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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In The Matter of

Petition for Rulemaking of
Nickolaus E. Leggett, Judith F. Leggett,
and Donald J. Schellhardt, for the
Amendment of AM and FM Service Rules
to Permit Microradio Broadcasting

RM No. 9208

To: The Commission

STATEMENT IN PARTIAL OPPOSITION TO
PETITION FOR RULEMAKING

1. The Puerto Rico Radio Broadcasters Association (the "Association"), by its attorneys and pursuant to 47 C.F.R. § 1.405, hereby submits this Statement in Partial Opposition to Petition for Rulemaking to comment on the Petition for Rulemaking filed by the above-captioned parties. The Association does not oppose the designation of channels for microradio broadcasting service generally, but requests that the Commission exclude Puerto Rico from any such service.

2. The island of Puerto Rico is a relatively small land area, less than 100 miles long and roughly 35 miles wide, that is currently saturated with AM and FM broadcast stations. Compared to the United States, Puerto Rico is made up of a mere 3,427 square miles, less than

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one tenth of one percent of the land area of the United States, a land area slightly larger than the State of Delaware.^{1/} On the other hand, according to the Broadcasting and Cable Yearbook 1997, Puerto Rico has 108 licensed radio stations, making up a disproportionately large one percent of the number of radio stations in the United States.^{2/} By comparison, Delaware has a mere 28 radio stations for an area roughly similar in size.^{3/}

3. Puerto Rico has a unique topography that enables radio stations to flourish. It is a small island with a large mountain range dividing the island from east to west. As a result, a disproportionately large number of radio stations have been licensed in Puerto Rico, many of which are licensed to small communities. Currently, all communities in Puerto Rico are well served by the existing AM and FM stations.

4. Moreover, on October 15, 1997, the Commission established a “coordination zone” that covers the entire island of Puerto Rico.^{4/} This coordination zone is designed to protect the Arecibo Radio Astronomy Observatory near Arecibo, Puerto Rico from radio interference. In

^{1/} The State of Delaware has 2,396 square miles of land area, while Puerto Rico is 3,427 square miles, and thus Puerto Rico is closer in size to Delaware than to any other U.S. state. The total area of the United States is 3,717,796 square miles. *Statistical Abstract of the United States*, (1996).

^{2/} *Broadcasting and Cable Yearbook 1997*, at B-638 (1997).

^{3/} *Id.* at B-628.

^{4/} *Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico, Report and Order*, ET Docket No. 96-2, RM-8165, October 15, 1997.

its *Report and Order*, the Commission stated that “the Observatory is a unique scientific tool, and ... harmful interference to the Observatory’s operations is a serious concern.”^{5/} Given the priority the Commission has placed on protecting the Observatory from interference, it would be inconsistent with the *Report and Order* to flood the Puerto Rican airwaves with even more radio stations.

4. The Association does not oppose the designation of channels for microradio broadcasting service within the United States, which is substantially different from Puerto Rico in terms of its topography and its broadcast industry. However, such service would not benefit the residents of Puerto Rico, where a great number of radio stations adequately serve the public, and the broadcast spectrum is already crowded. In short, Puerto Rico would be better served without microradio broadcasting to further clutter the airwaves.

^{5/} *Id.* at 5.

5. The Association therefore respectfully urges the Commission to exempt Puerto Rico from any Rulemaking proceeding on this matter.

Respectfully Submitted,

Puerto Rico Radio Broadcasters Association

By: 

Francisco R. Montero
Its Attorney

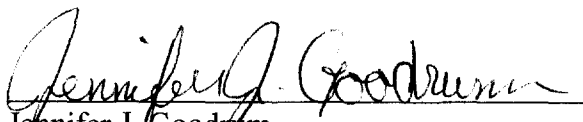
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CERTIFICATE OF SERVICE

I, Jennifer J. Goodrum, a secretary to the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., hereby certify that on this 26 day of February 1998, I served a true copy of the foregoing **"STATEMENT IN PARTIAL OPPOSITION TO PETITION FOR RULEMAKING"** by first class United States Mail, postage prepaid, upon the following:

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